

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

MARFORK COAL COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 5:10-cv-00069

DAVID AARON SMITH, et al.,

Defendants.

ORDER

On January 27, 2010, the undersigned granted in part Plaintiff's Motion For a Temporary Restraining Order (*see* Document No. 12) and scheduled a hearing on Plaintiff's Motion For a Preliminary Injunction for February 4, 2010. *See* Order Granting Temporary Restraining Order (Document No. 13). On February 3, 2010, Defendants filed a Motion to Dismiss For Lack of Subject Matter Jurisdiction (Document No. 20).¹ On February 4, 2010, the undersigned continued the hearing on Plaintiff's Motion For a Preliminary Injunction until February 23, 2010 and extended the deadline for the Temporary Restraining Order until February 24, 2010 at 3:00 p.m. *See* Order (Document No. 29).

On February 23, 2010, the undersigned conducted a hearing on Plaintiff's Motion For a


¹ This motion was subsequently denied on February 22, 2010. *See* Memorandum Opinion and Order (Document No. 37).

Preliminary Injunction. With the consent of the Defendants and for good cause, the Court does hereby :

ORDER that the Temporary Restraining Order is extended until **February 26 2010, at 5:30 p.m.**

The Court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 23, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA